



CPAC Newsletter

January 2004

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Doug Roberts Returns to CPAC

Fort Detrick CPAC is welcoming Doug Roberts back. Doug was with the CPAC last year fulfilling his Department of Army Personnel Management Internship. During his tenure with the Detrick CPAC, he serviced a variety of USAG and Tenant activities to include USAMMA, USAMRIID, the Directorate of Installation Services, the Fort Detrick Engineering

Office, and the Provost Marshall's Office. Doug was integrally involved in the research and fact-finding efforts for the special salary rate study on the Ft Detrick Police Officers. He has received on the job training from the CPAC office, the EEO office, and has attended various training classes to include Human Resources and Labor Relations courses

conducted at CPOCMA. Doug is a Magna Cum Laude graduate of Kennesaw State University, and holds a Masters of Public Administration.

The CPAC is very pleased to welcome Doug back as a Labor Management Employee Relations Specialist. We all look forward to working with Doug in his new position.

FEHB In-Service Days

The first 2004 FEHB In-Service Day will be held on February 10, 2004, at

the CAC,, from 9:00 a.m. until 12:00 p.m. We welcome all in

attendance.

Student Jobs

Summer and Year-Round Student Announcements are now available for Office Automation Clerks, Biological Aid Technician and Laborer positions.

Students must be enrolled or accepted for enrollment as a degree (diploma, certificate, etc.) seeking student and is taking at least a half-time academic/

vocational/or technical course load in an accredited high school, technical or vocational school, 2 year or 4 year college or university, graduate or professional

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school. The definition of half-time is the definition provided by the school in which the student is

enrolled. Students may work full-time or part-time schedules. There are no limitations on the number of hours a student can

work per week, but the student's work schedule should not interfere with the student's academic schedule.

New Personnel System Authorized for DoD

“Additional information regarding the NSPS can be obtained by accessing the Civilian Personnel Management Service (CPMS) website <http://www.cpms.osd.mil>.”

The National Defense Authorization Act (NDAA) for fiscal year (FY) 2004, signed by the President on November 24, 2003, includes a provision that authorizes creation of the National Security Personnel System (NSPS). The NSPS allows the DoD to design a modern, flexible civilian personnel system needed to meet the security challenges that the Department faces today and into the foreseeable future.

Additional information regarding the NSPS can be obtained by accessing the Civilian Personnel Management Service

(CPMS) website <http://www.cpms.osd.mil> and clicking on "National Security Personnel System Information Web Site," then "Briefing Charts (updated November 24, 2003)." The legislative language is available by clicking on "National Security Personnel System Information Web Site," then "Legislation," then "NSPS Legislation."

The Office of the Secretary of Defense is in the process of organizing the implementation plan and milestones for the NSPS. Information will be posted to the CPMS website as it becomes available.

Other key provisions in the

FY04 NDAA that affect civilians include modification of the overtime pay cap, common occupational and health standards (based on the OSHA standard) for differential payments as a consequence of exposure to asbestos, increase in annual student loan repayment authority, and changes to the SES pay cap and performance standards. The legislative language for these and other civilian personnel-related provisions is contained in the extract of the NDAA dealing with civilian personnel matters at "NSPS Legislation," referenced above.

Thrift Savings Plan (TSP)

TSP open season ended on 31 December. Elections and changes that you made will be effective as follows:

Created/Effective/Pay Wk
15 Oct-13 Dec / 14 Dec /
5-8 Jan
14-27 Dec / 28 Dec / 19-

23 Jan
28-31 Dec / 11 Jan / 2-6
Feb

Terminations of contributions are effective at the end of the pay period in which the termination transaction is initiated.

Please check your Leave and Earnings Statement to be certain the election or changes you made are correct.

If you have newly elected to participate in TSP, remember until you make

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a contribution allocation, your money will be invested in the G Fund. You may make your allocation or interfund transfer at any time by using the TSP Web site or the ThriftLine. Which ever one you choose it is the most efficient way to make

your investment allocation. You will need your Social Security number and your TSP Personal Identification Number (PIN) to make your request. If you are a new participant, you will receive a PIN in the mail after your account is established. If you lose or

forget it, you will have to request a new one. For information on the most recent share prices, rates of return, fund performance, and/ or a summary of your TSP account, visit www.tsp.gov or call the ThriftLine at (504) 255-8777.



Revision to Hard Copy LES

Effective January 24, 2004, the Defense Finance and Accounting System will display only the last four characters of the social security number (SSN) on the LES. This change is being expedited because of concerns with identity theft and will affect the hard copy LES which is mailed to the employee's home address. The electronic LES, available on myPay, will continue to display the entire nine characters of the SSN.

Employees are encouraged to use myPay to view and print their biweekly LES instead of having them mailed to their home. An advantage of receiving your LES electronically is that each employee can save the Department of the Army 34 cents each pay period or \$8.84 per year.

Additional features of myPay allow you to view and print your W-2; change federal and state tax withholdings; update bank account and

electronic fund transfer information; manage allotments; make address changes; purchase and change U.S. Savings Bond allotment and distribution; and view and print travel vouchers.

Visit the website, <https://mypay.dfas.mil> and obtain a copy of the brochure on myPay. If you do not have a Personal Identification Number (PIN), you can obtain it via the current website.

Applying for Retirement and Survivor Benefits

Retirement benefits are not paid automatically. Employees or survivors must apply for them. Employees (or survivors of employees who die in service) should contact their agency personnel offices.

Separated employees or survivors of retirees living in the Washington, D.C. area must call OPM at (202) 606-0500. Local TDD callers must dial (202) 606-0551. Those living elsewhere should use OPM's toll free

number: 1-888-767-6738 (TDD 1-800-878-5707), or they may write to the following address:

U.S. Office of Personnel Management
Retirement Operations

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Center
P.O. Box 45
Boyers, PA 16017-0045

CSRS-covered employees now may appeal OPM's retirement decisions directly to the Merit Systems protection Board, rather than first requesting reconsideration by OPM, under rules published in the April 28, 1997 *Federal Register*. This new appeals procedure is designed to streamline the processing of disputed cases and to make the rules governing CSRS employees the same as those applying to FERS workers.

Survivors of Current Employees—Notify the

employee's office of his or her death. That office will call the agency's servicing personnel office.

The agency will contact OPM via fax or through its website (www.opm.gov), using a CSRS Death-in-Service Quick Pay form or a FERS Basic Death-in-Service form. That will allow OPM to begin making expedited interim payments to the survivors. The agency will also provide the surviving spouse with the necessary forms to complete the process. These include the application for death benefits and life insurance. The agency will be responsible for assisting the survivor to complete the paperwork. Once the

forms are submitted, OPM will be the survivor's point of contact.

Survivors of Retired Employees—To speed up the time required for survivors of federal retirees to receive their benefits, OPM's Survivor Express allows the payment of a survivor annuity as soon as the survivor reports the retiree's death. The survivor then has 30 days in which to submit the required documentation; the forms will be supplied by OPM. This approach also speeds up the time needed to process life insurance claims and change health insurance enrollments.



Retirement Coverage Error Corrections Legislation

"Visit our FERCCA Home Page for further information and to view the FERCCA FAQ's."

The online FERCCA Database is now closed. Agencies are encouraged to continue to notify and educate employees on FERCCA and to review employee's personnel records as needed. Agencies are reminded to notify your agency's headquarters level Benefits Officer if you identify any individual(s) who have a retirement coverage error and are

eligible for relief under FERCCA; the Benefits Officer will then notify OPM.

Visit our FERCCA Home Page for further information and to view the FERCCA FAQ's. The FERCCA Homepage provides you with everything you need to know about FERCCA and its implementation. We suggest that you

bookmark it for future reference.

Visit www.opm.gov/insure/lrc for more information on the other part of this legislation, long-term care insurance.

The FERCCA Home Page has all of the information needed to answer your questions and a registration form for your

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use. The direct web site is as follows: <http://www.opm.gov/benefits/correction>

We recently received the following message from Headquarters and we are forwarding it for your information and use if necessary.

The OPM contract with KPMG has expired and as a result all work on FERCCA cases has ceased. OPM is developing a new contract with bidding expected to begin soon in hopes the FERCCA project will resume in January 2004. OPM's goal is to have all identified FERCCA cases finalized in 2004. OPM will set a FINAL DEADLINE for agencies to identify any remaining FERCCA cases. At the end of the new contract, OPM provide additional guidance and then will turn over the FERCCA responsibility to the agencies. Agencies will be responsible for making FERCCA eligibility determinations following guidance developed by OPM. Details on this transition have not been released at this time.

Due to the expiration of the contract with KPMG, we have received some concerns regarding newly identified FERCCA errors on employees planning to retire by the end of the

year. In some cases, employees are choosing to postpone their retirement until a FERCCA eligibility decision is reached. As a result, this is causing a hardship on the prospective retiree. At the request of Department of Army, a meeting was held with OPM, Field Advisory Services (FAS) Division, CPMS and the DOD components to discuss FERCCA. FAS has agreed to temporarily assist, with these "hot" retirement cases. As a result, we are asking that when newly identified cases are discovered and the employee's retirement is on or before January 31, 2004, that the following information is provided in addition to the attached form and forward it to Ms. Canary Scullark at Canary.Scullark@asamra.hoffman.army.mil.

- 1) Name
- 2) SSN
- 3) DOB
- 4) Status (employee, retiree, survivor)
- 5) Address (including foreign address)
- 6) Home phone/work phone/ext
- 7) Email address
- 8) Federal agency/subagency/address
- 9) Work city/state
- 10) Personnelist name/phone number/email address
- 11) Service history (type of appt/coverage/identify error)
- 12) Copy of the OPF

Federal Expressed to DA

We will review the OPF, and after coordinating with FAS and OPM, provide information concerning eligibility under FERCCA and retirement estimates to the ABC-C. Please remember that employees eligible under FERCCA may seek financial counseling and apply for reimbursement following the out-of-pocket expenses procedure. The guidelines on applying can be found at www.opm.gov/benefits/correction.

We recognize too that there are some cases where a FERCCA eligibility decision has already been made, however the employee is postponing retirement until they have received comparison estimates and individual counseling. Unfortunately, the FERCCA calculator is not in place and we do not have a date of when the individual counseling will begin. Therefore, agencies may wish to prepare comparison retirement estimates and make employees aware of the reimbursement for financial counseling fees. FAS is available to assist agencies in preparing (or reviewing) estimates prepared and answering questions from field activities.

For any newly identified

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FERCCA case on employees not retiring before the new contract is in place, forward only the attached form should be completed and sent to Canary Scullark via email at: Canary.Scullark@asamra.hoffman.army.mil.

This information will be sent to OPM to be stored

in a database pending the establishment of the new OPM contract.

The decision to assist agencies was made with the understanding that there are very few cases during this period that require immediate assistance.

Please keep in mind that FAS does not have the manpower to take on a

large number of cases. In order for FAS to provide this service, cases must be received no later than January 15, 2004, or before if the new contract is established. FAS has indicated that a decision regarding further assistance to the DoD Components on "hot" retirement cases will be made before then.

Family and Medical Leave Entitlement

"An agency may request medical certification for FMLA leave taken to care for an employee's spouse, son, daughter, or parent who has a serious health condition or for the serious health condition of the employee."

Under the Family and Medical Leave Act of 1993 (FMLA), most Federal employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period for the following purposes:

- the birth of a son or daughter of the employee and the care of such son or daughter;
- the placement of a son or daughter with the employee for adoption or foster care;
- the care of spouse, son, daughter, or parent of the employee who has a serious health condition;
- or a serious health condition of the employee that makes the employee unable to perform the essential functions of his or her positions.

Under certain conditions, an employee may use the 12 weeks of FMLA leave intermittently. An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and OPM's regulations for using annual and sick leave, for any unpaid leave under the FMLA. (The amount of sick leave that may be used to care for a family member is limited. See "Sick Leave to Care for a Family Member with a Serious Health Condition." FMLA leave is in addition to other paid time off available to an employee.

Job Benefits and Protection

Upon return from FMLA leave, an employee must be returned to the same position or to an "equivalent position with equivalent benefits, pay, status, and other terms

and conditions of employment."

An employee who takes FMLA leave is entitled to maintain health benefits coverage. An employee on unpaid FMLA leave may pay the employee share of the premiums on a current basis or pay upon return to work.

Advance Notice and Medical Certification

An employee must provide notice of his or her intent to take family and medical leave not less than 30 days before leave is to begin or, in emergencies, as soon as is practicable.

An agency may request medical certification for FMLA leave taken to care for an employee's spouse, son, daughter, or parent who has a serious health condition or for the serious health condition of the employee.

New Rules Implemented for GS Employees

Rules for calculating overtime rates for General Schedule federal employees changed with the passing of the National Defense Authorization Act for fiscal year 2004.

The change affects overtime calculations for those people whose rate of basic pay is more than the rate for GS-10, step 1. Section 1121 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) amended Section 5542(a)(2) of title 5, United States Code, to modify the overtime pay

calculations for General Schedule employees who are exempt from the Fair Labor Standards Act and whose rate of basic pay is more than the rate for GS-10, step 1. Under the revised formula for computing overtime pay for these employees, the hourly rate of pay for overtime is an amount equal to the greater of one and one-half times the hourly rate of basic pay for GS-10, step 1, or the individual's hourly rate of basic pay. This revision ensures that these employees will receive no less than their regular rate

of basic pay for overtime work.

The amendment became effective on Nov. 24, 2003. For Department of Defense employees and other civilian pay customers of the Defense Finance and Accounting Service, DFAS revised the Defense Civilian Pay System to accommodate this change as of Nov. 30, 2003 including any necessary retroactive payments for overtime work for the intervening period of Nov. 24-29.



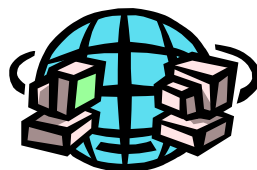
New DoD Website Focuses on Transformation

Beginning in December 2003, DOD has a new website focused on transformation. The new site has the same look and feel as the DOD homepage, but concentrates on news in the transformation arena. Transformation is vital in DOD's efforts in the global war on terrorism, as well as the Department's future in general, and there has been a lot of transformation news scattered on different

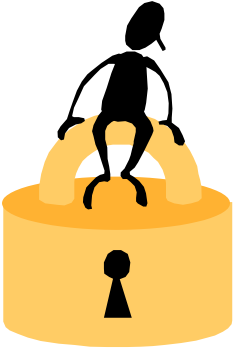
websites. Now you can surf one website that highlights specific areas in the transformation arena. This website will highlight the broad range of initiatives in the transformation arena, to include policy, equipment, training, people, and programs. The transformation site can be found at <http://www.DOD.mil/transformation>.

You can also visit the Defense Department's

website for the latest news and information about America's response to the 11 Sep 02 terrorist attacks and the war against terrorism at <http://www.DefendAmerica.mil> and visit the Department of Defense Homeland Security website at <http://www.defenselink.mil/specials/homeland/> to learn more about the Department of Defense role in homeland security.



National Security Personnel System (NSPS)



The following website, <http://www.cpms.osd.mil/nsps/index.html>, provides information on the National Security Personnel System (NSPS), which was authorized under the National Defense Authorization Act for fiscal year 2004 (**signed by the President on November**

24, 2003). The NSPS legislation allows the Department of Defense to build a new personnel management system for its civilian workforce to address the unique role of civilians in DoD. NSPS will change how civilians are hired, assigned, rewarded, advanced, and removed, as well as how appeals

are handled - all within the context of merit system principles, accommodation of veterans' preference, and respect for bargaining. The system will be established in collaboration with employee representatives and in coordination with the Office of Personnel Management.

Weingarten Rights

If you are an employee covered by a collective bargaining agreement, you have a right to have present a union representative during investigatory interviews as stated by the U.S. Supreme Court in a 1975 case (NLRB vs. Weingarten, Inc.) These rights have become known as the Weingarten rights. After that decision, Weingarten rights were incorporated in the Federal Labor Management Relations Statute (Statute), and a Weingarten rights provision is found in every collective bargaining agreement.

Employees have Weingarten rights only during investigatory interviews. An investigatory interview occurs when a supervisor questions an employee to obtain information that

could be used as a basis for discipline or asks an employee to defend his or her conduct. If the employee has a reasonable belief that discipline or adverse action might result from what he or she says, the employee has the right to request union representation. Management is not required to inform the employee of his or her Weingarten rights. Rather, it is the employee's responsibility to know and request these rights. However, to help ensure that employees are aware of their Weingarten rights, the Statute requires that management prepare a annual reminder and make it available to each bargaining unit employee. When an employee requests union representation, the supervisor or management official conducting the

interview must postpone further questioning until the union representative is present or cancel the interview altogether.

Though all collective bargaining agreements contain Weingarten rights provisions, there may well be some variations, such as, how long an employee will be given to obtain a union representative before management can require resumption of the interview with or without the presence of a union representative. You should ensure that you are familiar with the Weingarten rights provisions of your collective bargaining agreement. Questions may be referred to a CPAC Labor/MER specialists, Mr. Doug Roberts or Mrs. Regina Miller at (301) 619-2247, or you may contact your union representative.

Civilian Personnel Advisory Center

**810 Schreider Street, Suite 106
Fort Detrick, MD 21702**

**Phone: 301-619-2247
Fax: 301-619-2465**
